

¹⁴~~14~~. The artificial bait structure of claim ⁷~~29~~, wherein each leg forward portion defines an outwardly curved inner edge, and wherein the outwardly curved inner edges cooperate to define the opening.

¹⁵~~30~~. The artificial bait structure of claim ¹⁴~~31~~, wherein the outwardly curved inner edge of each leg terminates at the location of maximum width.

¹⁶~~36~~. The artificial bait structure of claim ¹⁵~~35~~, wherein each leg rearward portion defines a substantially linear inner edge extending between the location of maximum width and the leg rearward end.

¹⁷~~37~~. The artificial bait structure of claim ¹⁴~~34~~, wherein each leg forward portion defines an outwardly curved outer edge extending rearwardly from the head.

¹⁸~~38~~. The artificial bait structure of claim ¹⁷~~37~~, wherein the outwardly curved outer edge of each leg defines a continuous arcuate outer edge extending from the rearward end of the head to the rearward end of each leg. --

REMARKS

In the Office Action, claims 3-4, 9-11 and 16 were rejected under 35 USC §112, second paragraph, on the basis that such claims depend directly or indirectly from canceled claim 1. By this amendment, claims 3-4, 9-11 and 16 are amended to depend from claim 29, which is believed to overcome the rejection under 35 USC §112, second paragraph.

Claims 5 and 29-33 were rejected under 35 USC §102(b) as being anticipated by Freeman et al U.S. Patent 5,524,377. Claim 17 was rejected under 35 USC §103(a) as being unpatentable over Adam U.S. Patent D131,135 in view of Freeman et al. Claims 18 and 26 were also rejected under 35 USC §103(a) as being unpatentable over Adam in view of Freeman et al. Claims 6-8 and 12-15 were rejected under 35 USC §103(a) as being unpatentable over Freeman et al in view of Koonz et al U.S. Patent 3,122,853.

Claim 2 was allowed, and claims 27 and 28 were objected to as being dependent upon a rejected base claim. The Examiner indicated that such claims would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

By this amendment, claim 27 is amended to independent form so as to incorporate the limitations of claim 26, from which claim 27 depended. In view of the Examiner's indication, claim 27 is believed to be in allowable form.

The remaining claims have been amended in a manner believed to patentably define over the references.

The Freeman et al reference discloses a lure having a head portion and a pair of trailing legs. The forward ends of the legs are defined by a pair of convergent slits which extend in a forward-to-rearward direction. The inner surfaces of the legs curve toward each other at the leg forward ends, and diverge away from each other at the leg rearward ends.

The disclosure of the Adam reference has been discussed previously, and no further explanation is believed to be necessary.

Claim 17 specifies that the inner edge of each leg includes a generally linear portion adjacent the rearward end of the leg. The generally linear leg portions are defined as facing each other. The inner edge of each leg is defined as further including an outwardly curved arcuate portion extending toward the outer edge of the leg forwardly of the linear portion. The outwardly curved arcuate portions are specified as defining a void area between the legs rearwardly of the head. Claim 17 further calls for each leg to define a first width adjacent the head and a second width greater than the first width at a location spaced rearwardly from the head.

The combination of Adam and Wilson, which was relied upon in rejecting claim 17, is not seen to show or suggest the claimed subject matter. In particular, the amendment to claim 17 specifies that each leg has a greater width at a location spaced rearwardly from the head than at a location adjacent the head. Neither Adam nor Wilson show or suggest this feature, and accordingly claim 17 is believed to be patentable thereover. A review of the remaining references or record similarly fails to show or suggest the claimed subject matter, and accordingly claim 17 is believed allowable.

Claim 18 specifies that the outer edge of each leg has a generally convex shape and defines a substantially continuous arc between the rearward end of the leg and a location spaced forwardly therefrom. Each leg is specified as defining a first width adjacent the head and a second width greater than the first width at a location spaced rearwardly therefrom. Further, claim 18 is amended to specify that the head and the inner edges of the legs are configured to define a void area between the legs having a first width at a forward location adjacent the head and a second width less than the first width at a location spaced rearwardly therefrom.

Claim 18 was rejected based on Adam in view of Freeman et al. Adam clearly does not show legs which have a greater width at a location spaced rearwardly of the head than at a

location adjacent the head, as set forth in claim 18. Freeman et al shows the forward ends of the legs as being defined by a slit or cut which extends from the center of the bait outwardly, terminating at a location spaced inwardly from the outer edge of the bait. In direct contrast, claim 18 specifies that the head and the inner edges of the legs are configured to define a void area between the legs. The void area has a first width at a forward location adjacent the head and the second width less than the first width at a location spaced rearwardly therefrom. The void area between the legs in the bait of the present invention provides an area through which water flows to impart motion to the legs in both an upward and downward direction as well as in a side-to-side direction. Freeman et al does not show the legs and head as being configured to define a void area as claimed, and accordingly claim 18 is believed to patentably define over the combination of Adam and Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 18 is believed allowable.

Claim 26 specifies that the legs extend rearwardly from the head and are configured such that each leg defines an outer edge located laterally outwardly relative to the head. The legs are specified as defining facing inner edges and having a thickness less than that of the head. Claim 26 specifies each leg as defining a first width adjacent the head and a second width greater than the first width at a location spaced rearwardly therefrom. The leg inner edges are defined as curving outwardly away from each other rearwardly of the head to define an opening therebetween. While Freeman et al discloses legs which define a first width adjacent the head and a second width greater than the first width at a location spaced rearwardly therefrom, Freeman et al contains no showing or suggestion of the leg inner edges as curving outwardly away from each other rearwardly of the head, as claimed. In direction contrast, Freeman et al discloses leg inner edges which curve inwardly toward each other rearwardly of the head. Freeman et al does not disclose an opening rearwardly of the head formed by the leg inner edges curving outwardly away from each other, as claimed, but instead discloses the legs as closing together toward each other rearwardly of the head.

In view of the failure of Adam and Freeman et al to show or suggest the claimed subject matter, it is believed claim 26 defines subject matter patentable over Adam and Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 26 is believed allowable.

Claim 29 calls for each leg to define a forward end interconnected with the head and a rearward end spaced rearwardly from the forward end. Claim 29 further specifies that each leg, throughout at least a portion of its length rearwardly of its forward end, defines an increasing width in a forward-to-rearward direction such that at least a portion of each leg located toward the

leg rearward end has a width greater than a portion of each leg located toward the leg forward end. Each leg is further specified as defining a maximum width location between a forward leg portion extending rearwardly from the head and a rearward leg portion extending forwardly from the leg rearward end. The head and the forward leg portions are specified as being configured to define an opening between the rearward end of the head and the maximum width locations of the legs.

As noted above, Freeman et al discloses legs which, at their forward ends, converge toward each other in a forward-to-rearward direction. Freeman et al does not show the head and forward leg portions as being configured to define an opening between the rearward end of the head and the maximum width locations of the legs, as claimed. Rather, Freeman et al discloses a section, located between the forward ends of the legs, which fills the space between the leg forward ends.

For the above reasons, claim 29 is believed to patentably define over Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 29 is believed allowable along with its dependent claims 3-16, 30, 31 and 34-38.

Claim 32 has been amended to specify that the inner edge of each leg includes an arcuate outwardly curved portion toward the forward end and a linear portion extending rearwardly therefrom. The arcuate portions of the inner edges of the legs cooperate to define an opening between the legs toward the leg forward ends. The linear portions of the leg inner edges are defined as facing each other and extending between the rearward end of each leg and the arcuate portion. The outer edge of each leg is further specified as defining an arcuate outward curvature extending rearwardly of the head and terminating toward the leg rearward end, and the linear portion of each inner edge is defined as being located forwardly of the termination of the outer edge of each leg.

As noted above, Freeman et al discloses legs configured such that the forward ends of the legs converge toward each other in a forward-to-rearward direction. In direct contrast, claim 32 calls for the inner edge of each leg to include an arcuate outwardly curved portion toward the forward end of each leg. Further, the arcuate portions of the leg inner edges are defined as cooperating to define an opening between the legs. As noted above, Freeman et al does not disclose an opening between the legs defined by the arcuate portions of the inner edges of the legs. Finally, Freeman et al does not disclose leg outer edges which define an arcuate outward curvature, as claimed, in combination with an opening between the legs at the forward ends of the legs.

For the above reasons, claim 32 is believed to patentably define over Freeman et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 32 and its dependent claim 33 are believed allowable.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 2-18 and 26-38, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By


Andrew S. McConnell
Reg. No. 32,272

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 623-00027